



A History of Budgetary Powers and Politics in the EU: The Role of the European Parliament

Part I: European Coal and Steel Community 1952-2002



STUDY

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Cover:

The European cast iron ingot, marked "Europ", was created on 30 April, 1953 at the Belval factory in Esch-sur-Alzette in Luxembourg. Made with materials from countries that had long been enemies but that had now decided to share their resources, it was the symbol of the construction of Europe introduced on 9 May, 1950 by the Schuman Declaration and inspired by Jean Monnet. Offered to Monnet, who was then president of the High Authority of the European Coal and Steel Community (ECSC), it is held at the Jean Monnet Foundation for Europe. © Fondation Jean Monnet pour l'Europe, Lausanne

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Executive summary

This study, the first part of a wider analysis on the European Parliament's role in EU budgetary powers, traces the very first phase of interinstitutional relations in the framework of the European Coal and Steel Community (ECSC). After a brief historical introduction, the study explains the structure, objectives and means of action of the ECSC. The ECSC Treaty had a number of original features. Among these was the establishment of a High Authority, an independent supranational executive with extensive powers including the capacity to raise funds via a tax (levy) on coal and steel production, to borrow on the capital markets, and to make loans to enterprises. The Treaty also defined the respective roles of the ECSC's Council of Ministers, Common Assembly and Court of Justice.

The ECSC Treaty did not foresee a budgetary procedure: all competences were concentrated in the High Authority, which presented an annual report on its activities to the Assembly.

The High Authority was the motor for managing the production of coal and steel, which belonged to the ECSC and not to its member states, and for supporting the modernisation of the industry and of the social conditions of the workers.

The present research will highlight a narrative differing in part from the theory of the rules of the ECSC Treaty, and we will discover numerous features which, in spite of the 60-year gap, point up certain similarities with approaches and problems existing today.

The autonomy of the High Authority was mitigated by constant consultation/prior agreement with the Council of Ministers. The Assembly gained influence over the years, in some case obliging the High Authority to modify decisions already taken, even without a specific role being defined in the Treaty. The High Authority introduced multiannual budgetary planning, which was more efficient than annual budgets, and exceptionally allowed a rebate on the levy for two countries. During the 1980s, the member states increased their influence over the ECSC budget (with a direct contribution based on a mechanism similar to GNI). The High Authority, in view of the cost of production in some countries, decided to introduce a rebate on the levy. It was critical of the way the Assembly's plenary was organised.

The study concludes with an overview of the evolution of interinstitutional relations, with a focus on the budgetary domain and on the capacity of the institutions to adapt and evolve.

Table of Contents

INTRODUCTION	7
CHAPTER I ECSC - THE HISTORICAL CONTEXT	9
The post-war phase	9
After 9 May 1950 (The Schuman Declaration)	11
The political leadership	12
CHAPTER II THE ECSC TREATY	15
Objectives	15
Tasks	15
Structure	16
Some considerations	17
CHAPTER III THE ECSC ASSEMBLY: HOW DID IT GAIN INFLUENCE	21
The Assembly: starting from a marginal role	21
The Assembly expands its influence	22
CHAPTER IV THE ECSC FINANCES	29
1. The Treaty provisions	29
The levy on coal and steel production: a real own resource	29
The borrowing/lending activity	29
Procedure for administrative expenditure	30
Reporting by the High Authority on budgetary policy and financial activities	30
Content of the General Report	30
Critical positions of the Assembly	31
The level of the levy over the years	32
Lending activities	33
2. Concrete influence of the Assembly on budgetary issues	34
The levy	34
The calendar	34
Own resources – ECSC customs duties	35
The Committee on Budgets	36
3. The expiry of the Treaty and the consequences for the ECSC's finances	36
The financial consequences	37
Parliament's contribution	38

The resolutions – 1992 and 1994	38
The resolutions – 1996	39
The resolutions – 2001	40
The joint declaration of 11 December 2001	41
Bibliography	43
Annex	45

INTRODUCTION

This study, entitled 'History of budgetary powers and politics in the EU – The European Coal and Steel Community (ECSC) 1952-2002' is the first part of a series which will analyse interinstitutional relations in the budgetary domain, with a particular focus on the evolution of the role of the European Parliament.

The budget of the ECSC, as in the case of most organisations, is the crossroads of policies, politics and conflicts. The institutional implications of the conflicts and achievements contribute to a better understanding not only of the story of this period but also of the subsequent developments in European integration.

The ECSC was a very interesting laboratory in which to test the integration capacity of industry, among other issues. The Founding Fathers were willing to engage in this process only as a first step towards a more ambitious integration process. Was this approach successful? This is one of the questions that the study will try to answer.

The ECSC had several specific features – autonomy of the executive, a fiscal mechanism, and the capacity to contract loans and lend money. Why were these mechanisms not replicated in the European Community?

This study approaches the institutional problems surrounding budgetary decisions and control mechanisms, with a particular focus on the Assembly, which, according to the Treaties, had only a marginal role. Nevertheless, we can observe an evolution in the role of the Assembly, which made its institutional presence visible and, over time, built up a role giving it the capacity to influence important decisions. To what extent did the struggles of the Assembly of the ECSC influence the subsequent Treaties?

It would have been impossible to look at the institutional relations, budgetary powers and democracy of the Institutions without understanding the historical moment at which the ECSC was developed. Focusing on particular historical landmarks helps to understand the subsequent evolution of European policy.

Last but not least, the study attempts to highlight the modernity of the ECSC, as the solutions found for certain problems are in some cases very close to debates of decades later.

To conclude, this study is an overview of the beginning of the post-war adventure launched by a small number of visionary statesmen, involving public opinion. The ECSC budget played a central role in supporting the integration process and achieving the objectives of the ECSC, such as the modernisation of industry and, in parallel, support for social housing. The role of the Assembly helped to make public opinion more aware of the advantages but also of the problems of European integration, and to make the ECSC more visible.

Please note that this study is also aimed at non-experts, to help them understand not only the past but also the foundations for future developments.

CHAPTER I

ECSC - THE HISTORICAL CONTEXT

It is not our intention to present a complete historical overview. Many important studies and books already exist, often based on the original documents held in the archives of various institutions. It nevertheless seems useful to recall, very succinctly, some of the key moments and actors that contributed to influencing the follow-up of events.



The Congress of Europe meets in The Hague, Netherlands on 7-11 May, 1948. The meeting is chaired by Winston Churchill and attended by 800 delegates. © European Union, 1940-1949

The post-war phase

After the destruction of the war, various events contributed to create the conditions which favoured the launch of the Schuman Declaration on 9 May 1950.

Among many other elements, we may mention: a) the Hague Conference of May 1948, which brought together numerous political leaders to discuss Europe; b) the London Conference of June 1948, which established severe conditions for German autonomy; and c) the Petersberg Conference, which allowed Germany to regain part of its sovereignty.

The **Hague Conference**, organised in May 1948¹ by the European Movement, gathered for the first time a number of political leaders, not in a formal summit but in the first

¹ <http://www.cvce.eu/recherche/unit-content/-/unit/04bfa990-86bc-402f-a633-11f39c9247c4>

European forum to discuss a revolutionary project. Two different ideas of Europe (Federalism vs Confederalism) were already being intensely discussed, but all participants were animated by the same spirit, namely the desire to build up solid links between states in order to consolidate the peace and avoid a new war situation.

Winston Churchill's speech was considered one of the highlights of the Hague Conference. Churchill fully played his role of natural leader, thanks not only to his contribution to the military defeat of Nazism and Fascism but also to the vision he was able to present as leader of the British United Europe Movement. Churchill² enthusiastically declared that, in the vital interest of Europe and the world at that dark hour, 'a spark would start a fire which would glow brighter and stronger in the hearts and minds of men and women in many lands'.

Beyond speeches and declarations, the Hague Conference was crucial because it allowed political leaders to meet and build up respect, mutual understanding, and in some cases, friendship. This was true for many, and in particular for the mayor of Cologne who headed the German delegation, namely Konrad Adenauer.

At the end of the Hague Conference, a public rally was organised in Dam Square in Amsterdam to support the idea of a united Europe and to involve public opinion in supporting this idea.

The London Conference³, held in June 1948, placed severe limits on Germany's sovereignty. Demilitarisation was confirmed, under the control of the Military Office for Security, but at the same time solid links with the West were formed. The western part of Germany could benefit from aids under the European Recovery Plan prepared by the OEEC⁴. A special status for the Ruhr was defined, with the control of coal and steel production and exports being placed under an International Authority. The reconstruction of the industry was definitely one of the major problems in all European countries: coal and steel were the key sectors for reconstruction, and the Ruhr was under the control of the Allies, who exploited it with the intention to recover funds to pay back their war efforts. The results of the London Conference, while accepted by the Federal Government, led by Konrad Adenauer, were heavily criticised by the SPD leader, Kurt Schumacher.

The Petersberg Agreement⁵ was a crucial step for the construction of Europe, as it allowed Germany to regain part of its sovereignty and reinforced the credibility of Chancellor Adenauer. Under pressure from the British government⁶, the Allies were ready

² An extract from Churchill's speech may be found at: <http://fresques.ina.fr/jalons/fiche-media/InaEdu01621/discours-de-winston-churchill-au-congres-de-l-europe-de-la-haye.html>

³ The London Six-Power Conference in 1948 was held between the US, the UK, France and the Benelux countries. The conference was held in two sessions, the first from 23 February to 6 March, the second from 20 April to 2 June 1948. The final communiqué of this conference (London, 28 December 1948) may be found at: http://www.cvce.eu/obj/communiqué_final_de_la_conference_des_six_puissances_chargée_d_etablir_l_autorité_internationale_de_la_ruhr_londres_28_décembre_1948-fr-b0eb504f-8263-4b4f-b539-9c911f247f7e.html

⁴ <http://www.oecd.org/general/organisationforeuropeaneconomicco-operation.htm>

⁵ See: German History in documents and images, Volume 8. Occupation and the Emergence of Two States, 1945-1961 - The Petersberg Agreement (22 November 1949) - <http://germanhistorydocs.ghi-dc.org/pdf/eng/Founding%208%20ENG.pdf>

⁶ See the Message from the British Foreign Secretary, Ernest Bevin, to his French counterpart, Robert Schuman, in which he proposed reconsidering the Allies' dismantling policy in the occupied zones. Source: Beyer, Henry, *Robert Schuman, L'Europe par la réconciliation franco-allemande*, Fondation Jean Monnet pour l'Europe, Centre de recherches européennes, Lausanne, 1986 (Cahiers rouges).

to accept a new role for West Germany - even with some resistance from France - on the international scene. In particular, West Germany was enabled to:

- become an associate member of the Council of Europe;
- be involved in the decisions of the International Authority for the Ruhr;
- benefit from aid under the Marshall Plan;
- engage in international trade and establish consular relations with other countries;
- revise the industrial dismantling programme, removing some industrial plants from the list.

In exchange, West Germany agreed to follow the principles of liberty, tolerance and humanity and to prevent any revival of totalitarian tendencies.

After 9 May 1950 (The Schuman Declaration)

The Schuman Declaration⁷ came as a shock to diplomatic circles: the Benelux countries asked for clarification, while Ernest Bevin called the French ambassador; the US and Italy gave a positive reaction to the plan⁸. The key quotes were:

- 'World peace cannot be safeguarded without the making of creative efforts proportionate to the dangers which threaten it.'
- 'Europe will not be made all at once, or according to a single plan. It will be built through concrete achievements which first create a de facto solidarity.'
- 'The pooling of coal and steel production [...] will change the destinies of those regions which have long been devoted to the manufacture of munitions of war, of which they have been the most constant victims.'

The days that followed were decisive for defining the start of the negotiations. The Benelux countries, Italy and Germany declared their support for the proposals and their intention to participate in the negotiation phase, while a diplomatic struggle began between the Quai d'Orsay and the UK Foreign Office⁹. The latter rejected the idea of pooling coal and steel production and creating a High Authority¹⁰. At the same time, the UK was aware of the possible implications and proposed joining the negotiations with a special status. The six other countries rejected this.

About two months later, in August 1950, the British delegates to the Council of Europe advanced a new counter-proposal for an intergovernmental body, but this only obtained

http://www.cvce.eu/obj/message_for_monsieur_schuman_from_mr_bevin-en-0fc42bca-95ef-4f07-bf54-2c23d3e015a2.html - publication date: 13 September 2012.

⁷ Full text: http://europa.eu/about-eu/basic-information/symbols/europe-day/schuman-declaration/index_en.htm

⁸ Cf: Wilkens, Andreas, ed., *Le Plan Schuman dans l'histoire: Intérêts nationaux et projet européen*. Organisation internationale et relations internationales : 58, Bruylant, Brussels, 2004 (overview and historical interpretations of reactions to the Schuman Declaration).

⁹ For the reactions in the various capitals, see: <http://www.cvce.eu/en/recherche/unit-content/-/unit/5cc6b004-33b7-4e44-b6db-f5f9e6c01023/86a47d71-5295-4f9b-a12b-6246dcb99b24>

¹⁰ For the acute diplomatic context, see: <http://www.cvce.eu/en/recherche/unit-content/-/unit/5cc6b004-33b7-4e44-b6db-f5f9e6c01023/9f64d11c-0f79-4eeb-983d-b2700fc62cfd>

the support of the Scandinavian countries. The operational phase for the negotiation and signature of the European Coal and Steel Community Treaty had started.

The political leadership

The last part of this introduction to the interinstitutional relations on the financing of the ECSC is devoted to the aspect of political leadership. The historical moment was definitely not easy: the war was over but confidence and trust were at their lowest level. On the positive side, the perspective of a radical change which could open a period for peace gained the support of public opinion. The choice of coal and steel was crucial for the strategic role of this industry during the war, for the particular management of the German industry, run by the Allies, and for the need to establish a monitoring mechanism for all European coal and steel industries.

Some positive elements were, though, not sufficient to build up a European community with transfer of sovereignty and pooling of strategic resources. This titanic task could only be achieved with the strong political leadership of a number of politicians in the different countries. This is definitely not the place to write biographies,¹¹ but it is important even in this context to honour and remember, with a few phrases, some of the Founding Fathers, since without their commitment the European adventure would probably not have begun.

Jean Monnet

Jean Monnet¹² was not a professional politician: he was more of a businessman and a great manager, used to getting things done. He had vision and the capacity to inspire people. The best way to describe him is to quote him.

Monnet's approach to solving problems: 'Quand les hommes sont assis autour de la même table pour parler du même problème et pour en chercher ensemble la solution, leur mentalité change, les oppositions s'effacent.'

Monnet's vision: 'Je ne voyais qu'un remède, nous lier sans retour avec l'Allemagne dans une entreprise solidaire à laquelle nos autres voisins se joindraient. Ainsi serait créé un grand espace européen de prospérité et de paix.'

Robert Schuman

Robert Schuman was a '*politician by accident not by vocation*'¹³ but nonetheless served across his career in France as city councillor, member of the National Assembly, Finance Minister, Foreign Minister and Prime Minister. He was also the first President of the European Parliament. However, Schuman was averse to speaking with journalists and to drawing attention to himself. The essence of this great statesman, a man both simple and profound, is summed up in the following quotations, from Belgian Minister of Foreign

¹¹ There are numerous biographies of the Founding Fathers. One of the most recent, rich in references, is *Europe, a Leap into the Unknown* by Victoria Martín de la Torre (Peter Lang, Brussels, 2014 - ISBN 978-2-87574-173-8).

¹² References to Monnet are from the website of the Jean Monnet Foundation: <http://jean-monnet.ch/>

¹³ Martín de la Torre, op. cit., p. 72.

Affairs Paul-Henri Spaak and Hendrik Brugmans, Rector of the College of Europe in Bruges¹⁴.

Paul-Henri Spaak: 'Schuman seemed shy, hesitant, his eloquence had nothing seductive in it, he never sought to impose himself, to command, and yet it was when he had charge and power, that France was really at the head of Europe and that the great idea of a supranational Europe really made progress.'

Hendrik Brugmans: 'The hours we spent in personal conversation were the most precious to me. There you could see that this politician is not only a statesman but a man whose power is created out of the wealth and depth of his universal spiritual life -- for here the word "Europe" is too small. Rooted in his own homeland he is a Lorraine European. But he is much more: a humanitarian, a humanist -- a real human being (*ein Menschenfreund, ein Mitmensch - ein Mensch*).'

Konrad Adenauer

Konrad Adenauer was the first Chancellor of the Federal Republic of Germany (1949-1963). In the six years 1949-1955 Adenauer realised far-reaching foreign policy goals, to gain the trust of the Allies and allow Germany to obtain a new sovereignty, and to bind Germany's future in with the Western alliance. This led to German membership of the Council of Europe (1951), the foundation of the European Coal and Steel Community (1952), and Germany's entry into NATO (1955). Adenauer changed the face of post-war German and European history more than any other individual.¹⁵

Chancellor Helmut Kohl, speaking at the commemoration of the 30th anniversary of Adenauer's death, summarised some of his achievements: 'The democracy in which we Germans live today, in unity and liberty, rose up from the foundations which Konrad Adenauer helped to create, and which, indeed, he was instrumental in shaping. The German Basic Law, formulated under his chairmanship of the Parliamentary Council, has been an outstanding success over the decades; it has proved capable of accommodating new developments, and today - having been modified only slightly - continues to provide a sound platform for a unified Germany. And finally, the unified Europe towards which we are working is being built in accordance with the plan that Konrad Adenauer drew up together with his European partners; together with them he created the foundation walls and the supporting pillars'.¹⁶

Alcide De Gasperi

Alcide De Gasperi played a crucial role in Italy's reconstruction, as Prime Minister from 1945 to 1953. He was convinced that Italy's reconstruction meant reinforcing links with other Western democracies; he was a good mediator between France and Germany and contributed to the setting-up of the Council of Europe, as well as persuading Italy to be part of the American Marshall Plan and to join NATO - all this at a time when Italy had one of the largest Communist parties in Western Europe.

¹⁴ Quotations from the official Robert Schuman website: <http://www.schuman.info/>

¹⁵ See also the European Commission's website: http://europa.eu/about-eu/eu-history/founding-fathers/pdf/konrad_adenauer_en.pdf

¹⁶ Speech on 19 April 1997 in Bad Honnef, Pro Europa, http://pro-europa.eu/index.php?option=com_content&view=article&id=28:helmut-kohl-a-speech-on-konrad-adenauer-&catid=11:the-struggle-for-the-union-of-europe&Itemid=17



Robert Schuman, Jean Monnet, Paul-Henri Spaak, Alcide De Gasperi and Konrad Adenauer
© European Union

De Gasperi was elected President of the ECSC Assembly on 11 May 1954. In his inaugural speech he defined the perfect role of a democratic parliament: he declared that the Assembly should criticise the High Authority, make proposals to it and monitor it – but, as he put it, you don't have to forget the aim of the vision of the construction of peace.¹⁷

Paul-Henri Spaak

By contrast with Robert Schuman, Paul-Henri Spaak was a talented speaker and could easily count on the attention of his public. This quality, along with his profound convictions and his experience of European construction (Benelux and the ECSC), facilitated his appointment as chair of the committee in charge of preparing the EEC Treaty. To accelerate this process, he presented a plan on behalf of the Benelux countries (the Spaak report) for the integration of the transport and atomic energy sectors. This document was one of the bases for the EEC Treaty. As an alternative to the Spaak plan, General De Gaulle presented the 'Fouchet plan', which firmly opposed any supranational elements in the construction of Europe. However, for Spaak 'the Europe of tomorrow must be a supranational Europe'.

To conclude, political leadership is essential to implement a vision and be at the forefront of change.

¹⁷ Address of the President Alcide De Gasperi, Debates of the Common Assembly, sitting of Tuesday, 11 May 1954.

CHAPTER II

THE ECSC TREATY

The Treaty establishing the European Coal and Steel Community (ECSC)¹⁸ between the Benelux countries, France, Germany and Italy, was signed in Paris on 18 April 1951 and entered into force on 23 July 1952, with a period of validity limited to 50 years. The Treaty expired on 23 July 2002. The aim of the Treaty was to organise the free movement of coal and steel and free access to the sources of production. Responsibility for its implementation was assigned to a High Authority, composed of nine members¹⁹ chosen for their competence. There were no predetermined national quotas, and the Treaty stated that the Authority could not have more than two members of the same nationality. The High Authority was independent of the Member States and was entrusted with the tasks of supervising the market and guaranteeing respect for competition rules and price transparency.

Objectives

The aim of the Treaty²⁰, as stated in its Article 2, was to contribute, through the common market for coal and steel, to economic expansion, higher employment and a rising standard of living. Thus, the institutions had to ensure an orderly supply to the common market by ensuring equal access to the sources of production, the establishment of the lowest prices and improved working conditions. All of this was to be accompanied by growth in international trade and modernisation of production.

In the light of the establishment of the common market, the Treaty introduced the free movement of coal and steel products without custom duties or taxes. It prohibited discriminatory measures or practices, subsidies, aids granted by states or special charges imposed by states, and restrictive practices.

Tasks

Contrary to other, 'classical' international organisations, the ECSC was funded not by national contributions but by levies on coal and steel production (a sort of European tax in the coal and steel sector) and by contracting loans. The levies were intended to cover administrative expenditure: the funds received from borrowing could only be used to grant loans.

The tasks of the ECSC, as managed by the High Authority, may be summarised in the following activities:

¹⁸ The full text of the ECSC Treaty is at: <http://eur-lex.europa.eu/legalcontent/FR/TXT/PDF/?uri=CELEX:11951K/TXT&from=EN>

¹⁹ ECSC Treaty, Articles 8-19. Article 9 did not state who should appoint the members of the High Authority.

²⁰ An extended summary of the ECSC Treaty may be found at: <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1413975955971&uri=URISERV:xy0022>

- The ECSC could grant loans and guarantee loans contracted by undertakings. It could also grant financial aid to alleviate the negative effects of technological advances in the industry on the workforce.
- The High Authority, in the event of any decline or increase of demand, could take direct action by imposing quotas with the aim of limiting or pushing up production, establishing consumption priorities, determining the allocation of resources, and setting export levels.
- The High Authority had the task of monitoring discrimination as regards prices, unfair competitive practices and discriminatory practices, e.g. abnormally low wages or discrimination in the area of free movement of workers.
- The ECSC had the power to set maximum and minimum rates for customs duties and to supervise the granting of import and export licences.
- The coal and steel industries had the obligation to keep the High Authority informed of commercial agreements.

With a view to achieving its objectives, the High Authority had means of information, powers of consultation and the power to make checks. In the event that undertakings did not respect these powers, it could impose fines (maximum of 1 % of annual turnover) and penalty payments (5 % of average daily turnover for each day's delay).

Structure

The Treaty set up the structure of the ECSC, establishing a High Authority, an Assembly, a Council of Ministers and a Court of Justice. The Community had legal personality.

The High Authority was the independent collegiate executive with the task of implementing the objectives set by the Treaty and acting in the general interest of the Community.

The Treaty also included two protocols, one on the Court of Justice and the other on relations of the ECSC with the Council of Europe, as well as a convention on the transitional provisions, which dealt with the implementation of the Treaty, relations with third countries and general safeguards.

The High Authority²¹ was a truly supranational body with powers of decision. Decisions were taken by a majority of members, and it was assisted by a Consultative Committee²² composed of 30 to 51 members and representing producers, workers, consumers and dealers of the two sectors.

The Council consisted of one representative from each national government. The Presidency of the Council was held by each Member State in turn for a period of three

²¹ ECSC Treaty, Articles 9 to 16.

²² ECSC Treaty, Articles 18 and 19.

months. The role of the Council was to harmonise the activities of the High Authority with the general economic policy of the governments. Its approval was required for all important decisions taken by the High Authority. The Assembly was made up of 78 deputies²³, who were representatives of the national parliaments, and had supervisory powers under the Treaty.

The Court of Justice, made up of seven judges appointed for six years by common agreement between the governments of the Member States, ensured that the law was observed in the interpretation and implementation of the Treaty.

The ECSC Treaty also set up²⁴ a Committee, composed of the four Presidents of the ECSC institutions and chaired by the President of the Court of Justice, which acted as the budgetary authority (see below).

The ECSC was **funded** by levies on coal and steel production and by contracting loans (see below).



ECSC Headquarters in Luxembourg. © European Union, 1960-1969

Some considerations²⁵

The objectives of the ECSC were certainly ambitious but were nevertheless limited to two economic sectors, while its structure was relatively complex. This situation can be

²³ The breakdown of membership of the Assembly was as follows: 18 each for Germany, France and Italy; 10 each for Belgium and the Netherlands; 4 for Luxembourg.

²⁴ ECSC Treaty, Article 78.

²⁵ See also: Reuter, Paul, *La Communauté européenne du charbon et de l'acier* (with a preface by Robert Schuman), Librairie générale de droit et de jurisprudence, Paris, 1953; Kapteyn, P. J. G., *L'assemblée commune de la Communauté européenne du charbon et de l'acier: un essai de parlementarisme européen*, A.W. Sythoff, Leyden (Netherlands), 1962.

explained by the vision and dynamism of the Schuman Plan: the six delegations participating to the negotiation of the Treaty were aware that this was only the first step in a long-term process.

At the same time, the Treaty framed the activities and the competences of the High Authority. These limitations can be read as embodying the desire of certain Member States to limit the autonomy of the High Authority.

The Treaty also determined when the Consultative Committee and the Council of Ministers had to be consulted. In some cases consultation of the latter was compulsory; in others no decision could be taken against the Council²⁶. However, the reality was somewhat different, as the High Authority consulted the Council even when it was not legally obliged to. In fact the Council of Ministers became a sort of second advisory body. Thus 'comitology' was born.

This approach of the High Authority was accentuated after the rejection of the European Defence Community Treaty. The High Authority understood that Member States were reluctant to abandon their sovereignty and considered it more prudent to err on the side of excess as regards consultation. This provoked a reaction from the Assembly, which wanted to expand its role.

The creation of the Assembly was the result of a number of conflicting ideas between the negotiating delegations. Some wanted to introduce a form of democratic element in the structure of the ECSC, motivated by the long-term vision to build up a federal state. The possibility of direct election to the Assembly was also referred to in the Treaty.

Others supported the idea of the creation of an Assembly in order to introduce additional political control over the High Authority. Last but not least, the Treaty provided for the political accountability of the High Authority vis-à-vis the Assembly: the latter could adopt a motion of censure²⁷ which would oblige the High Authority to resign.

The power of the Assembly to introduce a motion of censure was nevertheless limited by a number of conditions. The two-thirds majority required for adoption of the motion, the limitation of the motion to the Annual Report, the provision that the High Authority would have to resign en bloc, the absence of influence over the appointment of the new High Authority, were all elements that deterred the political groups from tabling such a motion. The Socialist group was critical towards the policy of the High Authority but never fulfilled the conditions to table a successful motion.

As a conclusion to this introduction some reflections may be made:

- the ECSC Treaty certainly helped shape the model of the future EU Institutions;
- in spite of the strong supranational character of the High Authority, Member States had a strong influence on its decisions, even where there were no Treaty provisions as such;
- the role of the Assembly was important but at the same time limited;
- the Members of the Assembly started from the very beginning to increase their influence not only on technical issues but also on the political activities of the ECSC.

²⁶ For the 'avis conforme' (assent) procedure, see ECSC Treaty, Articles 53-55, 58, 66, 74 and 88.

²⁷ For the motion of censure, see ECSC Treaty, Article 24.

Summing up, in spite of the autonomy and independence of the High Authority, in practice: a) Member States did whatever was possible to exert their influence; b) the Assembly did the maximum to exert a more active democratic control over the High Authority. This situation limited the power of the High Authority, which was then obliged to mediate and seek compromises.

The speech delivered in plenary²⁸ by Juan Colom i Naval introducing the report of Parliament on the incorporation of the ECSC into the budget of the European Union in November 1996 is a useful summary of the specificity and the achievements of that Treaty.

Ladies and gentlemen, the Treaty of Paris which inaugurated the ECSC was not only the first, chronologically, of the Community treaties, and hence preceded the Treaties of Rome which created the EEC and the EAEC, but also set out a series of requirements which unfortunately were not included in the later Treaties.

The ECSC achieved a high level of institutional supranationality. It was financed by a fiscal form of revenue, in short by a tax, which is the most genuine form of own resource entering the Community coffers. It had a preset expiry period, and last, but not least, it provided for the development of a sectoral industrial policy which went hand-in-hand with social and regional measures.

Politically, its role in Franco-German reconciliation is beyond question, but so is the evidence that advocating an active sector-based policy is well-founded. The ECSC is proof positive of the value of Community action which involves the social partners, as opposed to those who advocate blind market forces and deregulation.

Ladies and gentlemen, we are well aware that the adjustment of European coal and steel did not take place without cost, but do you believe that our steel industry would now be competitive without the research undertaken by the ECSC? Can you imagine what the social consequences of coal industry restructuring would have been without the ECSC's welfare measures?

²⁸ Debate of the European Parliament of 14 November 1996, No 4-490/243.

CHAPTER III

THE ECSC ASSEMBLY: HOW DID IT GAIN INFLUENCE

This part will outline the role of the Common Assembly and show how it gained respect and influence beyond the strict Treaty provisions. The Assembly made a major contribution to shaping and strengthening the role of the future European Parliament under the Treaty of Rome.

The Assembly: starting from a marginal role

The ECSC Treaty devotes a chapter to the Assembly²⁹. As regards aspects other than its composition, the competences of the Assembly were limited. They can be summarised as follows:

- a. The Assembly received the annual General Report of the High Authority³⁰ and held a debate on it. The Treaty was silent on the possible follow-up of this debate and on whether the Assembly had to approve the report or make recommendations;
- b. The Assembly could vote on and adopt a motion of censure³¹ on the High Authority should such a motion be tabled. To be adopted, a motion of censure had to be passed by a two-thirds majority and a majority of Members. This was a strong deterrent³²: the Socialist Group on some occasions threatened to table a motion, but could not secure the majority required. Another limitation was the Assembly's lack of any influence over the appointment of the members of the new High Authority. Even should a motion of censure have been adopted, in theory the Council could reappoint exactly the same individuals to the Authority, uninfluenced by the Assembly.
- c. The Assembly prepared its own draft estimates and participated³³ through its President in the Committee of the Four Presidents (see above, note 23) in their approval. It also received the report of the Auditor.
- d. Finally, the provision existed for any modifications to the Treaty, after adoption by the High Authority and the Council with the approval of the Court of Justice, to be sent to the Assembly for final approval³⁴.

Further to its ordinary sessions, the Assembly was empowered to hold extraordinary plenary sessions, on the request of a majority of its Members or of the Council. The members of both the High Authority and the Council had the right to be present at all

²⁹ ECSC Treaty, Articles 21-25.

³⁰ ECSC Treaty, Article 24.

³¹ ECSC Treaty, Article 24(2).

³² See also Kapteyn, p. 176.

³³ ECSC Treaty, Article 78.

³⁴ ECSC Treaty, Article 95. Approval required a three-fourths majority vote and a two-thirds majority of the Assembly's component Members.

plenary sessions. The right of the Assembly to raise questions applied only to the High Authority.

Finally, a decision of the Assembly could be annulled by the Court of Justice following a request by a Member State, but the Assembly did not have the power to introduce a similar request to annul a decision of one of the other institutions.

The Assembly expands its influence

The Common Assembly could not accept a merely virtual role, and began to make use of all possible parliamentary techniques. The fact that most of its members were national parliamentarians made for an Assembly rich in parliamentary tradition. Further to this, many of the appointees were prominent personalities, all committed to European values.

In his report on the organisation of the Common Assembly³⁵, Alain Poher stressed the greater similarity of the Common Assembly to the national parliaments than to other international organisations, a declaration that in 1955 appeared revolutionary to many.

The development of the Assembly was certainly inspired by the report by Pierre-Henri Teitgen³⁶. Following the adoption of that report, a working group was created which produced a number of reports that contributed to shaping the function and activities of the Common Assembly³⁷.

Some concrete results were achieved which contributed to increase the influence and respect of the parliamentary body:



Pierre-Henri Teitgen, a French delegate and rapporteur on the powers of scrutiny of the Common Assembly in 1954. © European Union

³⁵ Report by Alain Poher, doc. 2, November 1955, p. 10, EP Historical Archives AC AP RP/GRTR.1955 AC-0002/55-novembre 0010 ; see also statement of 1952 by the Committee of Jurists at the Council of Europe, *Introductory Report by the Committee of Jurists on the Problem of a European Political Community*, Council of Europe Consultative Assembly, SG(52)2, Strasbourg, September 1952.

³⁶ Report by Pierre-Henri Teitgen: 'The powers of scrutiny of the Common Assembly and their use', doc. 5, November 1954, EP Historical Archives AC AP RP/RELA.1953 AC-0005/54-novembre 0010 and Historical Archives of the European Union. Full text also available at the Centre virtuel de la connaissance sur l'Europe: http://www.cvce.eu/obj/teitgen_report_19_november_1954-en-e5e7e6e8-035d-4c40-a04d-6d747a74b198.html

³⁷ Authors: Poher, on the organisation of the Assembly; Carboni, on relations with international organisations; Fohrmann, on the functioning of political groups; Dehousse, on the powers of the Assembly and the revision of the Treaty.

- a. **Cooperation with the High Authority and powers of control over it** – The Treaty granted the Assembly powers of control on an ex post basis, but Jean Monnet, President of the High Authority stated, on the occasion of a speech to the Assembly³⁸, that the High Authority should inform the Assembly more fully on the principles behind future projects, should collect its opinions and should be expected to know the guidelines. This was taken as encouraging the committees to be more proactive in stimulating the flow of information.
- b. **Ex ante control** – This aspect became crucial when, in 1955, the High Authority decided, after consulting the Council and obtaining its agreement, to reduce the levy without informing the Assembly. The Assembly heavily criticised the High Authority, as consultation of the Council was not foreseen by the Treaty: it saw the High Authority as having given up its independence. As a result, starting in 1957 the High Authority consulted the Assembly prior to all decisions on the level of the levy.
- c. **Increase the number of plenary sessions** – The Assembly, in order to be efficient in its control capacity, increased the number of plenary sessions and limited itself to one ordinary session as foreseen in the Treaty. In concrete terms it was proposed and accepted to have a constitutive meeting and one extraordinary meeting per semester. The Belgian senator Motz³⁹ raised the problem of coordination of work at national and European level.
- d. **Creation of standing committees**⁴⁰ – To follow up the day-to-day activities of the High Authority, and also of the Council and of the Consultative Committee, the Assembly called for an improvement in the quality of information, so that it could exercise effective control over the High Authority's activities. Seven committees were created by one of the Assembly's first resolutions, in January 1953;⁴¹ an eighth committee was added in 1956.⁴²
- e. **Political control** – The Teitgen report was very clear on this point: the Assembly should exert political and not merely technical control. The Assembly would diverge from its mission if it simply followed the technical day-to-day activity of the

³⁸ Speech by Jean Monnet to the Assembly, Debates of the Common Assembly, 23 June 1953, pp. 184-185.

³⁹ Stein, Eric, 'The European Parliamentary Assembly: Techniques of emerging "Political control"', *International Organisation*, Vol. 13, No. 2, University of Wisconsin Press, 1959, pp. 233-254, <http://www.jstor.org/stable/2704391>

⁴⁰ Piodi, Franco, *The Committees of the Common Assembly – Study of the main work of the Committees of the Common Assembly of the ECSC between 1952 and 1958*, European Parliament, Archive and Documentation Centre, Luxembourg, 2008.

⁴¹ EP resolution of 10 January 1953, OJ 10.2.1953, pp. 8-9.

⁴² Following the Marcinelle disaster, the Committee on Safety and Rescue in Mines was created – see: EP resolution of 30 November 1956, OJ 12.12.1956, p. 399.

High Authority. The control exercised by the Assembly had to be placed on the very high level of essential choices.

- f. Political presence** – This related to the members of the High Authority, who could not be replaced by members of their staff, the latter being denied the right to speak at public meetings. This approach concerned not only the High Authority but also the members of the Council. In 1954, a standing committee asked the Council to appear before it. The Council refused, but received a delegation on its premises. In 1956, the full Council appeared before the Assembly.
- g. Information policy** – The Assembly agreed with the rapporteur as regards supporting a better and more transparent information policy in order to gain awareness and support on the part of public opinion. No political ideal could survive without support from public opinion. The High Authority introduced a chapter on information policy in the General Report.



Common market information booth in Strasbourg in the early '60s. © European Union

- h. Knowledge and expertise** – The Assembly needed to increase its knowledge in order to develop a new control role. This gap was to be filled by the forwarding of documents of the High Authority and the Consultative Committee and through hearings of experts who could be hired for a sort of 'budgetary expertise'. The report contested the restrictive approach of 'confidential documents' and asked for more transparency when individual or commercial interests were not in danger.

- i. **The Assembly's decisions** – in absence of Treaty provisions, the Assembly defined its own modes of action: resolutions, recommendations and opinions. All of these contributed to reinforcing its influence.
- j. **A pragmatic calendar** – After the merger of the Treaties in 1965, the calendar of the ECSC budgetary procedure was adapted to the calendar of the general budget procedure. Even if a formal procedure did not exist, Parliament not only gave its opinion on the level of the levy but also commented on the breakdown of expenditure, proposing modifications to the distribution of spending. In some cases the Commission accepted Parliament's 'amendments'.

To conclude, the aspects outlined above testify to the vitality of the Common Assembly with regard to both problems and solutions, and show how it increased its influence and secured wider respect. This approach proved fundamental in the moment of defining the tasks and competences of the European Parliamentary Assembly in the Treaty of Rome.

PROJET DE RAPPORT 17 $\frac{12}{8}$

fait au nom de la 17 $\frac{12}{8}$

Commission des Affaires Politiques 34
et des 63 1417

RELATIONS EXTERIEURES DE LA COMMUNAUTE 59

Sur 3
les pouvoirs de contrôle de l'Assemblée Communale
les pouvoirs de contrôle de l'Assemblée Communale
et leur exercice 15

par 3

M. P. H. TEITGEN, 15

Rapporteur 10 $\frac{12}{5}$

Novembre 1954 13
8 vi

M. P. H. P. H. P.

Monsieur le Président, Mademoiselle, Messieurs.

1. Notre Communauté constituerait, ^{au lieu de} ~~disent~~ certains critiques, une « technocratie incontrôlée ». Une simple lecture du Traité fournit à première vue la réponse.

L'Assemblée ne possède pas le pouvoir législatif, puisque le Traité qui constitue la Communauté en est à lui seul la loi.

L'Assemblée ne vote pas un budget à proprement parler. Parce que les recettes de la Communauté (prélèvements répartis entre les entreprises en fonction de la valeur moyenne de produits, emprunts définis dans leurs conditions et leur objet) ont été définies par le Traité lui-même.

Mais l'Assemblée, Supranationale

AC 1001

CHAPTER IV

THE ECSC FINANCES

1. The Treaty provisions

The originalities of the ECSC Treaty included the capacity of the High Authority both to impose a levy on the production of coal and steel and to contract loans⁴³. Neither activity was allowed by the subsequent EC/EU Treaties.

The levy on coal and steel production: a real own resource

The ECSC Treaty laid down the financial rules and activities⁴⁴ which the High Authority could develop. The High Authority was empowered with two major tasks which had no equivalent in the succeeding EC/EU Treaties:

- the capacity to fix a levy on production of steel and coal (a genuine European tax); and
- the capacity to contract loans on the market to re-lend to European enterprises.

This genuine own resources mechanism, which is the real specificity of the ECSC, gave autonomy to the High Authority. The resources from the levy could be used to:

- I. cover administrative expenditure;
- II. provide financial aid for readaptation;
- III. promote research;
- IV. complement financing arrangements, including transfer to a guarantee fund.

The levy was fixed for each financial year (1 July-30 June) by the High Authority: the Council was consulted only if the level of the levy exceeded 1 %, in which case its agreement was mandatory. The Council was also to be consulted on the methodology of assessment and collection of the levy. As indicated below, in practical terms the High Authority always consulted the Council prior to decision even if this was not actually required, and after 1956 even the Assembly was first informed ex post and then consulted before the decision.

The Treaty also assigned to the High Authority the power to impose fines on undertakings failing to comply with its decisions.

The borrowing/lending activity

The High Authority was empowered to borrow on the best possible conditions offered by the market and then to concede loans to enterprises for purposes compatible with the Treaty, in certain cases subject to the consent of the Council and after obtaining the opinion of the Consultative Committee. Over the period from 1952 to 2002 loans were one of the most important activities of the ECSC, allowing enterprises to benefit from better

⁴³ ECSC Treaty, Article 49.

⁴⁴ Chapters II (Articles 49-53) and III (Articles 54-56) of the ECSC Treaty deal with financial rules and the activities of the ECSC. See also Articles 77 and 78.

conditions on the financial markets and favouring their modernisation as well as improving the living conditions of workers. Such activities are now forbidden by the current Treaties unless carried out by the European Central Bank or the European Investment Bank. The ECSC mechanism of loans is similar to the plan recently presented by President Juncker: a guarantee fund (announced to the sum of EUR 21 billion) is designed to attract capital (to the sum of EUR 315 billion) which the EIB will then use to finance activities to generate competition and jobs.

Procedure for administrative expenditure

Each of the four institutions established by the Treaty was expected to prepare its own draft estimates.⁴⁵

The draft estimates of each institution were submitted to the Committee of the four Presidents, chaired by the President of the Court of Justice. This Committee acted as the budgetary authority for administrative expenditure. Its decisions constituted authorisation of expenditure on a basis of respect for budgetary specificity. To change the allocation of authorised appropriations, the institution concerned had to make a request for transfer to the Committee of Presidents.

The Council also appointed an auditor.

Reporting by the High Authority on budgetary policy and financial activities

The ECSC Treaty established⁴⁶ that the High Authority should publish every year, before the opening of the parliamentary term, a 'General Report on the ECSC's activities and administrative expenditure'. This was the case as the Treaty did not foresee a single document grouping all financial activities of one institution (budget), nor did it provide for a proper budgetary procedure.

Content of the General Report

The General Report was a key document for the assessment of the policy and budget of the High Authority, above all because it was submitted to the control of the Assembly,⁴⁷ which organised a debate at a public sitting. The Treaty did not foresee a vote after this debate, but did provide for one on a motion of censure if tabled according to the rules of the Treaty.

The Assembly gave an extensive interpretation of the Treaty⁴⁸: the motion could censure any activity of the High Authority, not necessarily linked to the General Report, the sole limitation being that the motion should be tabled **during** the debate on the General Report. Apart from the practical consequences of this interpretation (no motion of censure was never tabled), it is interesting to note the determination of the Assembly to play fully

⁴⁵ The High Authority was expected to include expenditure related to the Consultative Committee.

⁴⁶ ECSC Treaty, Article 17.

⁴⁷ ECSC Treaty, Article 24.

⁴⁸ Mutter report, Doc. 1, January 1953 (EP Historical Archives AC AP RP/REGL.1952 AC-0001/53-janvier 0010), and Poher report, doc. 2, November 1955, para 23.

its role of democratic control over the activities of the High Authority and the Council, using all possible instruments to extend its influence.

The pressure of the Assembly can be noted even in the number of pages dedicated to budgetary issues in the General Reports over the years.

An evolution of the General Reports can be observed over the first five years: it is interesting to note that in the General Report of 1953 the part related to investment activities and their financing occupied less than 4 pages, while in the fourth General Report the first annex on finance appeared and the information was more detailed. As we will see in the following chapter, this is the result of the forcible pressure exerted by the Assembly.

In the fifth report there appeared for the first time a summary of the activities of each Institution, as well as a chapter on the Information policy of the High Authority. The fifth report was the last to be addressed to the President of the Common Assembly: the sixth report (1958) was addressed to the President of the European Parliamentary Assembly, this change being stressed in the introduction to that report⁴⁹:

‘The High Authority is happy to submit its sixth General Report to a new Assembly with broader membership and broader powers, which has jurisdiction over the three Communities which are henceforth to work for a common objective: the economic integration of Europe.’

At the same time the quality of the information improved, as a result of the campaign waged by the Assembly/Parliament as described above⁵⁰ aimed at achieving a degree of political/democratic control over the activities of the High Authority.

The annex on the budgetary and financial aspects continued to develop in quantity and quality: In the 11th Report (1963), this annex was entitled ‘*Budget and Finance*’, had an introduction and went into greater detail. In addition, that report refers to prior consultation of the parliamentary committees⁵¹ before the level of the levy was set.

The 12th Report marks a step backward in terms of published information in the General Report: the text becomes drier and the members of the Assembly are referred to other financial documents, such as the report on administrative expenditure, the estimates on administrative expenditure and the report of the Official Auditor.

The Assembly contested the content of that General Report, which it saw as being too technical and as missing the political element: as the control of the Assembly was mainly political, the content and approach of the Report should have been political as well.

Critical positions of the Assembly

The improvement in the quality of information was the result of the insistence of the parliamentary committees and of the Assembly as a whole vis-à-vis the High Authority. An example of this pressure is the discussion of the 11th Report, in which severe criticisms were made by the rapporteur Leemans, in particular:

⁴⁹ Sixth General Report on the Activities of the Community – Volume 1 - The Policy of the High Authority.

⁵⁰ See page 24.

⁵¹ Eleventh General Report on the Activities of the Community – Volume II, pp. 540-541.

1. Lack of information on important issues;
2. Quality of publications, seen as often being too detailed and at the same time lacking a global vision of the High Authority's activities;
3. Absence of proactive information.



Members of the Common Assembly visiting a factory in Rome, November 1957. © European Union

The High Authority was willing to improve the presentation of documents, but at the same time raised the problem of the organisation of the plenary, considering that the debates were too long with too many speeches and were not sufficiently focused on the political level⁵² - a problem which is identified even today by some Commissioners.

The level of the levy over the years

The High Authority fixed the first levy in January 1953 at 0.3 %, but raised it to 0.9 % that July.

As a preliminary measure, the High Authority set up the *levy office*,⁵³ with a 'very small staff' (no figures are mentioned in the General Report, however). At the end of 1952 the High Authority identified the enterprises subject to the levy⁵⁴.

The first expenditure, as established by the Treaty, was administrative in nature, the aim being to recruit a staff to support the activities of the High Authority. Further expenditure

⁵² Note from the Secretary-General of the High Authority, 3/9/1963, HAEU, CEAB 2 n 2405, p. 286.

⁵³ General Report, April 1953, p. 114.

⁵⁴ 574 mining enterprises and 434 iron and steel enterprises: the High Authority also appointed 20 banks to collect the levy.

went on reimbursing the Member States for the advance they had made to the ECSC and on financing the guarantee fund.

Already in 1953 the High Authority had to face the problem of the German and Dutch industries having lower production costs than those in the other Member States. The solution⁵⁵ found by the High Authority to this problem was to reduce the levy for those two countries, first to 1.1 % and then to 0.9 %⁵⁶. The first 'rebate' was thus created.

The budget for 1963 was also marked by another important decision: the High Authority decided to balance its books over a longer period instead of annually. To this end it provided for certain safeguards, enabling it either to reduce the burden of a given financial year or to increase revenue for that year, by transferring funds from previous to subsequent financial years.

The High Authority thus endowed its budget with a multiannual perspective, with the possibility of carrying over the eventual surplus.



A view of houses funded by the ECSC in Dudelange in 1956 for workers of Arbed (Aciéries Réunies de Burbach-Eich-Dudelange). Between 1952 and 1958, 200 of these "ECSC houses" were built in Luxembourg, mainly in the municipalities of Esch-sur-Alzette, Dudelange and Schifflange.© Photothèque de la Ville de Luxembourg. Photographie : Théo Mey.

Lending activities

In April 1954 the ECSC contracted its first loan, from the US government for USD 100 million. This amount was spent on industrial investment (75 %) and workers' housing

⁵⁵ Décision N° 1—53 du 7 février 1953 constituant la mise en place du mécanisme de péréquation et fixant les conditions d'assiette et de perception du prélèvement prévu à cet effet, OJ 1, 10.2.1953, p. 4–4.

⁵⁶ Décision N° 27—53 du 8 mars 1953 relative au montant et aux modalités d'application du prélèvement de péréquation prévu par la décision N° 1—53 du 7 février 1953, OJ 4, 13.3.1953, p. 84–85 and Décision N° 3-55 du 8 février 1955 relative au montant et aux modalités d'application du prélèvement de péréquation prévu par la décision N° 1-53 du 7 février 1953, OJ 4, 8.2.1955, p. 617–618.

(25 %). The High Authority laid down the principles governing loans, which were not to replace the normal financing mechanisms and should not exceed 30 % of the global cost of a given investment⁵⁷.

In 1954 and 1955 the High Authority raised five long-term loans (over 25 years) amounting to USD 117.5 million. Borrowing rose to USD 129 million in 1956. These sums were re-loaned with no commission except bank charges of 0.25 %. The interest rates payable by the borrowers were much lower than those charged in most countries for similar loans. This policy has continued over the years.

2. Concrete influence of the Assembly on budgetary issues

The areas in which Parliament increased its influence having been indicated, we will now present some of the concrete cases.

The levy

The Assembly had no formal right of consultation on the level of the levy, but influence was gained over the years, after the episode in 1955 when members voiced their discontent at not being informed of the decision of the High Authority to reduce the levy. Following this incident, the Assembly was informed in advance and the High Authority was obliged to duly justify its decisions.

In January 1956 the levy was fixed at 0.45 %⁵⁸, and it was further reduced from July 1957 to 0.35 %. This rate was maintained by the High Authority until June 1962. A large majority of the Budget and Finance Committee of the European Parliament⁵⁹ opposed this decision, and the committee, by a large majority, declared itself in favour of a levy of 0.30 %. The High Authority then set the levy at precisely that rate⁶⁰. This decision marks a step forward in the political influence of the European Parliament beyond the legal provisions of the Treaty. The level of the levy was fixed at 0.20 % in 1963.

In other cases Parliament was less successful. In its resolutions and debates on the ECSC budget in 1976 and 1977, Parliament asked for the modification of the levy from production to transaction, thus calling for a higher levy on marketed products. As an alternative, Parliament suggested delaying the collection of the levy by a few months⁶¹. Commissioner Cheysson rejected this proposal, to avoid the risk that the delay in collection might affect the borrowing capacity of the ECSC.

The calendar

In May 1967, the Committee on Finances, Administration and Accounting presented a general report on *Financial and budgetary questions of the ECSC*⁶²: this report raised, *inter alia*, the problem of the timing of the consultation of Parliament on the level of the levy. It

⁵⁷ Third General Report, p. 132.

⁵⁸ The High Authority interpreted the Treaty rules literally and did not consult the Assembly. For the Assembly's reaction.

⁵⁹ See 10th General Report, 1962, p. 503.

⁶⁰ Report of the Committee on Budgets and Administration, doc. 32, 22.6.1961, EP Historical Archives PE0 AP RP/BUDG.1961 A0-0032/61 0001.

⁶¹ Debate of the European Parliament on the ECSC levies and operational budget for 1977, 14 December 1976, pp. 72-74.

⁶² Artzinger report, 24 May 1967, PE 17.479, HAEU, CEAB 1-1148, p. 210.

concluded that the timing of the May and June plenaries was inadequate for an effective consultation of Parliament. An informal agreement was then concluded to consult the four competent parliamentary committees mandated to give an opinion on behalf of Parliament. The report expressed its satisfaction at the quality of the information provided by the High Authority.

Own resources – ECSC customs duties

A very interesting case arose in the ECSC budget 1978, involving interinstitutional relations and own resources.

The decision of 21 April 1970 on Community own resources did not cover coal and steel products, which were governed by the ECSC budget. Custom duties on ECSC products thus remained a matter for the Member States pending the adoption of a legal act to transfer those duties to the ECSC budget⁶³.

The 1978 ECSC budget had a deficit of about 32 million accounting units⁶⁴. A majority in Parliament supported the Commission's proposal for a special contribution from Member States to the ECSC budget. Alternatives discussed during the debate in plenary⁶⁵ included raising the levy from 0.29 % to 0.38 %. This option was, however, unanimously opposed owing to the crisis of the sector. Another option raised was transfer from the Community budget. An amendment was tabled by the Group of European Progressive Democrats, and a lively debate in plenary ensued (Cointat vs. Lange, PSE Group). Finally the plenary followed the rapporteur (Ripamonti, European People's Party).

The Commission and Parliament united to threaten the Council that it would bear the responsibility for an increase in the levy should the Commission's proposal be rejected⁶⁶. The Council failed to adopt the Commission proposal for a general transfer of coal and steel duties to the ECSC budget, but the Member States agreed on a 'special contribution' of 32 million accounting units and a supplementary transfer of 13 million accounting units from the EU budget. This allowed the financing of a number of subsequent budgets.

The Member States refused to accept the proposal, but the pragmatic solution of a *special contribution* of the Member States was maintained. Parliament repeatedly⁶⁷ pointed out that the situation was most unsatisfactory and jeopardised the financial autonomy of the ECSC.

With this 'non-decision', the Council took back some powers over the ECSC budget, with the tacit agreement of the High Authority (the latter could have raised the levy on its own initiative to a level not exceeding 1 % in order not to have to consult the Council).

This sense of responsibility on the part of the High Authority suggested a more prudent and pragmatic approach to offering relief to the industry.

⁶³ Commission Aide-mémoire on the fixing of the ECSC levies on the drawing-up of the operational budget for 1978 - COM(77)0558, 10 November 1977.

⁶⁴ The *accounting unit* was used up to 1979 and followed the US dollar.

⁶⁵ Debates of the European Parliament, 13 December 1977, pp. 96-100.

⁶⁶ See COM(1977)0561 and COM(1978)0181 on transfer to the ECSC of customs duties on ECSC products.

⁶⁷ See report on the fixing of the ECSC levy rate, doc 1-704/80 (Hoff report) of 15 December 1980, EP Historical Archives PE1 AP RP/BUDG.1979 A1-0704/80 0010.

The Committee on Budgets⁶⁸

In January 1953 the Assembly set up a committee on the *administration of the Assembly and the Community budget*, referred as the Committee on Budgets. This committee consisted of 9 members. Its activity was marked by two major conflicts:

- an 'interinstitutional' conflict with the Committee of Four Presidents, acting as budgetary authority: the Committee on Budgets claimed full autonomy regarding the budget, but it did not prove possible to formalise a 'gentlemen's agreement';
- an 'internal' conflict with the Committee of Presidents (equivalent to today's EP Bureau) over organisation and requests for supplementary staff.

The Committee on Budgets was responsible mainly for expenditure relating to the institutions and the organisation of the Assembly; responsibility for operating expenditure and investment was assigned to the Committee on Investment, Financial Matters and Long-Term Policy.

3. The expiry of the Treaty and the consequences for the ECSC's finances

On 23 July 2002 the Treaty establishing the ECSC expired. Even if the event did not receive much media attention, the date will remain a memorable one in the History of Europe⁶⁹: the ECSC Treaty represented the first attempt to create a Community and has shaped a model, with its limitations, which has been only partially followed. Under international law the founding member states could have easily prolonged its duration, but they chose not to.

The Treaty expired on July 2002 but the ECSC did not actually die: its activities were integrated into the European Communities. Many have considered this integration as, in one scholar's words, 'merely an internal reorganisation of the EU apparatus and a redefinition of its tasks'⁷⁰.

The termination of the Treaty had consequences in many sectors (including competition and trade). Here we limit ourselves to describing those most closely linked to the financial arrangements, in particular integration into the EC budget, and the EP's position on the matter.

⁶⁸ For an extensive description of the activities between 1953 and 1958 of the Committee on Budgets, see Piodi, *The committees of the Common Assembly*.

⁶⁹ A video of the ceremony (lowering of the flag and speech by the Commission President Romano Prodi) may be found at: http://www.cvce.eu/en/obj/ceremony_to_mark_the_expiry_of_the_ecsc_treaty_brussels_23_july_2002-en-5fc19504-48f9-4cba-adde-7m1

⁷⁰ Ubertaini, Benedetta, *The End of the ECSC*, European Integration online Papers (EIoP), Vol. 8 (2004), N° 20: <http://eiop.or.at/eiop/texte/2004-020a.htm>



The last formal session of the ECSC Consultative Committee in the Hemicycle of the Centre européen in Luxembourg, 27 June 2002. © European Union

The financial consequences

The legal framework for the termination of the ECSC Treaty was set by a Protocol annexed to the Treaty of Nice on the financial consequences of the expiry of the ECSC Treaty⁷¹.

The financial consequences concerned the operating budget and all ECSC assets (loans and borrowing); administrative expenditure was already integrated in the general budget, following the 1965 Treaty on the merger of the executives⁷².

The principles set in the Protocol are simple: 'All assets and liabilities of the ECSC, as they exist on 23 July 2002, shall be transferred to the European Community on 24 July 2002.' The revenue from these assets, referred to as the 'Research Fund for Coal and Steel', is to be used exclusively for research, outside the research framework programme, in the sectors related to the coal and steel industry in accordance with the provisions of the Protocol and of acts adopted on the basis hereof.

The total of these assets amounted to the equivalent of about EUR 820 million⁷³. The revenue generated by the assets, following the terms of the Council decision implementing the Protocol⁷⁴, was referred to as the *Research Fund for Coal and Steel*.⁷⁵ In

⁷¹ OJ C 80, 10.3.2001, p. 67.

⁷² See above, p. 25.

⁷³ This is the amount of reserves and surplus in the summary balance of the ECSC. According to the Commission the ex-ECSC funds will probably total € 1.6 billion on 23 July 2002.

⁷⁴ OJ L 29, 5.2.2003, p. 22.

⁷⁵ European Commission, *Monitoring and Assessment Report of the Research Programme for the Research Fund for Coal and Steel*, Luxembourg, 2013, ISBN 978-92-79-29742-7. See also the website of the Fund at <http://cordis.europa.eu/coal-steel-rtd/>

order to give security and continuity to the research, the revenue is entered in the budget two years after it is generated (i.e. revenue generated in the year n is entered in budget $n+2$).

This solution, which was somehow inspired and approved by the Parliament, has been criticised (Nico Groenendijk and Gert-Jan Hospers, p. 609)⁷⁶ on the grounds that the decision constitutes an exception to the principle of unity of the budget, as research subsidies will be outside the general budget, and the principle of specificity, as those amounts are earmarked in advance. The authors raise doubts as well concerning the management capacity of the Commission to ensure long-term returns.

Another important financial element is the liquidation of assets and liabilities existing at 23 July 2002. According to the financial report, as at 31 December 2013⁷⁷ about 80 % of outstanding loans had been reimbursed and about 24 % of borrowing remained outstanding. We can conclude, more than 12 years after the end of the Treaty, that the liquidation is still ongoing, which is not surprising considering the long-term financial commitments which the High Authority had made to support coal and steel activities.

Parliament's contribution

The EP accompanied, from the very beginning, the evolution of the ECSC and contributed to the establishment of a soft but growing influence on the Commission and also on the Council.

Parliament felt concerned about the expiry of the Treaty and set the scene well in advance to indicate its approach on the subject. The Commission had already begun curbing ECSC financial activities in 1994.

Own-initiative reports had already been tabled by the Committee on Budgets, in 1992⁷⁸, and in 1994⁷⁹ following a Commission communication⁸⁰.

Parliament wished to be involved in the discussions and influence the decisions. Even if the EP had no formal role to play in the phasing-out of the ECSC Treaty, it certainly had its say on the phasing-in aspect, i.e. the inclusion of the ECSC's activities in the general budget.

The resolutions – 1992 and 1994

In 1992 Parliament had already given clear indications regarding the incorporation of the ECSC's activities into the general budget, notably:

⁷⁶ Groenendijk, N. and Hospers, G.-J., *Requiem for the European Coal and Steel Community (1952-2002)*, Economist-Netherlands, 2002, Vol. 150(5), pp. 601-612, ISSN 0013-063X.

⁷⁷ Doc. C(2014)5215, 28 July 2014.

⁷⁸ EP resolution on the future of the ECSC Treaty - budgetary and financial consequences, adopted 9 July 1992, OJ C 241, 21.9.1992, p. 182 (based on the report of the Committee on Budgets, A3-0248/92).

⁷⁹ EP resolution on the future of the ECSC Treaty, adopted 21 April 1994, OJ C 128, 9.5.1994, p. 368 (based on the report of the Committee on Budgets, A3-0223/94).

⁸⁰ Commission communication, 19 October 1993 - COM(1993)0512/3, on the future of the ECSC Treaty.

9. Proposes in particular:

- that the financing of research activities specific to the coal and steel sector should be incorporated into the Fourth Framework Programme for research and the corresponding specific programmes, and that the necessary appropriations should be earmarked for this purpose;
- that provision should be made for the financing of environmental protection under the LIFE programme in the specific measures undertaken in this sector, and that the necessary appropriations should be earmarked;
- that the aid for industrial conversion, the social measures, the readjustment measures provided for under Article 56 of the ECSC Treaty and the special measures for specific housing construction should be incorporated into the regional and Structural Funds when these funds are reformed and that, if necessary, a specific Community programme should be set up;
- that the borrowing and lending operations, and conversion loans in particular, should be transferred to the European Investment Bank and that, once the other measures have been incorporated within Community activities, the ECSC reserves earmarked for these specific purposes should likewise be transferred to the EIB;

(Extract from the EP resolution of 9 July 1992)

It is interesting to note that while the research, environmental and social aspects already had a budgetary structure which could easily be included in the general budget, the ideas around the possible evolution of the borrowing or lending operations were still imprecise, and Parliament suggested, at this stage, the transfer of those assets to the European Investment Bank. This choice was approved by a narrow majority; other MEPs supported the amendment proposed by the EPP to create a Foundation (Stiftung). The debate in plenary focused strongly on this point. In spite of the support of a number of German MEPs, the amendment was not adopted.

However, the plenary unanimously adopted the request to reinforce the ceilings with a view to including the ECSC's activities in the general budget: the resolution stated that 'appropriate budget reserves must be provided in the Community's general budget to cover the transfer of activities from the ECSC to the EEC Treaty' (paragraph 15).

The EP resolution of 21 April 1994 stressed the need to accompany the phasing-out with a clear phasing-in structure, but concerning the borrowing and lending activities limited itself to calling on the Commission to 'spell out its conclusions more clearly, both as regards cutting back on the activities and as regards their transfer or abolition' (paragraph 12).

The resolutions – 1996

The 1996 resolution⁸¹ indicated some principles for achieving a solution for the management of the assets:

⁸¹ Adopted 15 November 1996 – OJ C 362, 2.12.1996, p. 327 - based on the report of the Committee on Budgets (A4-0302/1996).

33. Calls on the Commission to carry out a study into the establishment of a European foundation or agency for Community coal and steel based on the following principles:

- the capital for the foundation/agency should come from the remaining ECSC resources and be subject to the Union's legal right of disposal;
- the annual interest on the capital should be paid over to the Union budget and be credited as revenue;
- the administrative and operational expenditure of the foundation/agency should be entered in the Union budget and be made subject to the annual budgetary procedure pursuant to Articles 203 and 206 of the EC Treaty;
- the interest on the foundation's/agency's capital should be made available for the co-financing of multi-annual coal and steel research programmes in a ratio of 1/3 to 2/3, and also for social research;
- the foundation's/agency's governing body should comprise the members of the existing ECSC Consultative Committee and representatives of the Commission;

Extract from the EP resolution of 15 November 1996

In the following years, the Commission presented a coherent framework for the period after 23 July 2002, as well as three proposals which would form the basis of future decisions.⁸²

The resolutions – 2001

On 2 October 2001 Parliament adopted a number of legislative amendments to the Commission proposals and, notably, a resolution⁸³ setting out its final position on the arrangements post-2002.

Parliament felt that the only 'power' it had in the matter was limited to administrative expenditure – included in the general budget since the entry into force of the Merger Treaty in 1965 in the general budget. Conversely, it felt it had 'no say on any of the decisions to be taken on the guidelines of the future Coal and Steel Research Fund' and considered that 'passive role' to be 'contradictory to present-day requirements of transparency and accountability', adding that 'the legislative acts laying down the multiannual financial and technical guidelines of the Coal and Steel Research Fund should be brought under the codecision procedure, whereby the Parliament would decide on these guidelines on equal terms with the Council' (para 1).

Parliament went even further, threatening to block the whole process, pointing out that in fact Article 4(3) of the Financial Regulation requires the prior authorisation of Parliament and the Council before the Commission can accept a donation which might involve financial charges to the general budget 'unless the multiannual guidelines of the Coal and Steel Research Fund are brought under codecision' (para 2).

The rapporteur in plenary called for further negotiations with a view to an acceptable agreement which would not exclude Parliament from better insight into the management of the activities linked to the ECSC.

⁸² Commission proposal for a Council decision on establishing the measures necessary for the implementation of the Protocol, annexed to the Treaty of Nice, on the financial consequences of the expiry of the ECSC Treaty and on the Research Fund for Coal and Steel (COM(2000)0519 and COM(2001)0121 - C5-0165/2001), OJ C 180, 26.6.2001, p. 4. See also: 'Multiannual financial guidelines for managing the assets of the "ECSC in liquidation" and, on completion of the liquidation, the "Assets of the Coal and Steel Research Fund"' (COM(2000)0520 and COM(2001)0121 - C5-0166/2001), OJ C 180, 26.6.2001, p. 10).

⁸³ EP resolution of 2 October 2001, OJ C 87 E, 11.4.2002, p. 49, based on the report of the Committee on Budgets, A5-0303/2001.

The joint declaration of 11 December 2001

In the framework of the negotiations on the budget for 2002, Parliament's requests were taken into consideration and a text was circulated by the Council Secretariat on the day of the budgetary conciliation⁸⁴. On 11 December 2001 a joint declaration on **budgetary information related to the management of the Fund** and on the **implementation of the research activities** was adopted in plenary.

On the subject of information, it was stated that the Budgetary Authority:

- Will receive all information on operational expenditure and forecasts together with the preliminary draft budget;
- Will budgetise on dedicated budget lines in revenue (1 for the earmarked revenue) and in expenditure (2 for coal research and 1 for steel research) in respect of specificity and transparency;
- Will be informed of the administrative expenditure related to the management of the resource and expenditure budget lines of the Fund.

Concerning the implementation of the research activities, the Commission undertook to make the following information available:

- A list of research programmes financed by the Coal and Steel Research Fund, with participation rules and all relevant practical information;
- The manual for the evaluation and selection of research actions submitted to the Fund;
- The annual review of the activities carried out under the research programme financed by the Fund, and of the progress of the research work;
- The final reports of the completed research projects financed by the Fund, comprising an assessment of exploitation and impact;
- The reports on the five-year monitoring exercise of the research programme;
- The assessment reports of the programme, including the benefits of research to society and the relevant sectors.

To conclude once again, Parliament, even if in a legally weak situation, has succeeded in reinforcing its role in the post-ECSC arrangements.

⁸⁴ Draft proposal for a Joint Declaration concerning post-ECSC arrangements, EU Council General Secretariat, SN 4609/01 rev. 1.

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Annex



Workers' housing programme launched in 1954 aiming at comparing building costs in the European Community. In the picture: construction site in Ougrée near Liège. The picture was used in Nicolas Verschueren's thesis entitled *Fermer les mines en construisant l'Europe : Une histoire sociale de l'intégration européenne* © Nicolas Verschueren

ECSC 1952-2002 - reports quoted in the study⁸⁵

Reference code	Title	Rapporteur
AC AP RP/REGL.1952 AC-0001/53-janvier	Règlement de l'Assemblée Commune	MUTTER, André
AC AP RP/ORG.1952 AC-0002/53-janvier	Composition et attributions des Commissions de l'Assemblée	PREUSKER, Victor Emanuel
AC AP RP/BUDG.1953 AC-0004/53-mars	État prévisionnel général de la Communauté (1953-1954)	VERMEYLEN, Pierre F.
AC AP RP/RELA.1953 AC-0005/54-novembre 0010	Les pouvoirs de contrôle de l'Assemblée Commune et leur exercice	TEITGEN, Pierre-Henri
AC AP RP/GRTR.1955 AC-X001/55	Le rôle et le fonctionnement des groupes politiques à l'Assemblée Commune (non achevé)	FOHRMANN, Jean (groupe de travail)
AC AP RP/GRTR.1955 AC-0002/55-novembre	Organisation à donner à l'Assemblée Commune pour rendre plus efficace son action dans le cadre des dispositions actuelles du Traité	POHER, Alain (groupe de travail)
AC AP RP/SANI.1956 AC-0038/57-juin 0010	Sécurité et au sauvetage dans les mines	BERTRAND, Alfred
PE0 AP RP/BUDG.1961 A0-0032/61	Questions budgétaires et financières de la CECA	KREYSSIG, Gerhard
PE0 AP RP/BUDG.1967 A0-0072/67	Quinzième Rapport d'activité de la CECA: questions financières et budgétaires	ARTZINGER, Helmut K.
PE1 AP RP/BUDG.1979 A1-0704/80	Fixing of the ECSC levies and the operational budget for 1981	HOFFMANN, Karl-Heinz
PE3 AP RP/BUDG.1989 A3-0248/92	Budgetary and financial consequences of the future of the ECSC Treaty	PASTY, Jean-Claude
PE3 AP RP/BUDG.1989 A3-0223/94	Future of the ECSC Treaty	PASTY, Jean-Claude
PE4 AP RP/BUDG.1994 A4-0302/96	Incorporation of the ECSC in the Budget of the European Communities	COLOM i NAVAL, Joan
PE5 AP RP/BUDG.1999 A5-0303/2001	Expiry of the ECSC Treaty: Financial activities after 2002	TURCHI, Franz

ECSC 1952-2002 - other reports consulted on the ECSC budget

Reference code	Title	Rapporteur
AC AP RP/BUDG.1953 AC-0001/53-mars	Projet d'état prévisionnel de l'Assemblée Commune pour l'exercice financier 1953-1954	VERMEYLEN, Pierre F.
AC AP RP/BUDG.1953 AC-0001/54-janvier	Projet d'état prévisionnel de l'Assemblée Commune (1954-1955)	SASSEN, E.M.J.A.
AC AP RP/BUDG.1953 AC-0010/54-mai	État prévisionnel général de la Communauté (1954-1955)	SASSEN, E.M.J.A.

⁸⁵ No English version is available for documents produced before 1973.

AC AP RP/BUDG.1953 AC-0003/54- novembre	Compte du deuxième exercice financier de l'Assemblée Commune (1er juillet 1953 - 30 juin 1954)	KREYSSIG, Gerhard
AC AP RP/BUDG.1953 AC-0001/54- decembre	Rapport du Commissaire aux comptes sur le 1er exercice financier	KREYSSIG, Gerhard
AC AP RP/INVE.1953 AC-0010/55-mai	Répartition du montant du prêt américain et autres questions du ressort de la Commission	MENTHON, François de
AC AP RP/BUDG.1953 AC-0011/55-mars	État prévisionnel général de l'Assemblée Commune pour l'exercice 1955/1956	KURTZ, Jozef
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AC AP RP/BUDG.1953 AC-0020/55-mai	État prévisionnel général pour l'exercice financier 1955-1956	MARGUE, Nicolas
AC AP RP/BUDG.1953 AC-0023/55-mai	Situation des finances de la Communauté au 31 décembre 1954	BLANK, Martin
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AC AP RP/BUDG.1953 AC-0031/57-juin	Situation financière de la Communauté au cours du 4ème exercice	BLANK, Martin
AC AP RP/BUDG.1953 AC-0036/57-juin	État prévisionnel général du budget de la Communauté pour le 6ème exercice financier (1957-58)	CHARLOT, Jean
AC AP RP/BUDG.1953 AC-0008/57- novembre	Compte des dépenses de l'AC pendant le 5e exercice financier 1956-1957	CHARLOT, Jean
AC AP RP/BUDG.1953 AC-0020/57-mai	Projet d'état prévisionnel des dépenses administratives de l'Assemblée commune (1957-1958)	JANSSEN, Marinus M.A.A.
AC AP RP/BUDG.1953 AC-0013/58-fevrier	Compte des dépenses de l'Assemblée Commune pendant le 5ème exercice financier (1956-1957)	CHARLOT, Jean
AC AP RP/BUDG.1953 AC-0018/58-fevrier	Projet d'état prévisionnel des dépenses administratives de l'Assemblée Commune (1958-1959)	JANSSEN, Marinus M.A.A.
PE0 AP RP/BUDG.1958 A0-0009/58	Dépenses administratives de la CECA 1956-1957 et rapport du Commissaire aux Comptes	KREYSSIG, Gerhard

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PE0 AP RP/BUDG.1961 A0-0036/65	État prévisionnel rectificatif des dépenses administratives de la CECA, 1964-1965	BERNASCONI, Jean
PE0 AP RP/BUDG.1961 A0-0065/65	Rapport d'activité de la CECA, 1965-1966: questions budgétaires	BAAS, Jan
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PE0 AP RP/BUDG.1967 A0-0082/68	Questions budgétaires et financières relatives à la CECA	CORTERIER, Fritz
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PE0 AP RP/BUDG.1967 A0-0109/69	Rapport du commissaire aux comptes de la CECA, 1967	CORTERIER, Fritz
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PE0 AP RP/BUDG.1973 A0-0421/77	Report of the ECSC Auditor for the financial year 1976	BANGEMANN, Martin
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PE1 AP RP/BUDG.1979 A1-0582/79	Fixing of the ECSC levies and the operational budget for 1980	HOFF, Magdalene
PE1 AP RP/CONT.1979 A1-0064/80	Discharge to be given to the Commission of the European Communities in respect of the ECSC's financial and budgetary activities for the financial year 1977 and on the report of the Court of Auditors for the financial year 1977	ANTONIOZZI, Dario
PE1 AP RP/BUDG.1979 A1-0266/80	Contributions to be granted to the European Coal and Steel Community out of the General Budget of the European Communities	HOFF, Magdalene
PE1 AP RP/BUDG.1979 A1-0839/81	Fixing of the ECSC levies and the operational budget for 1982	NORD, Hans R.
PE1 AP RP/CONT.1979 A1-0840/81	Reports of the Court of Auditors on the financial and budgetary activities of the ECSC in the financial years 1978 and 1979 and the draft decision on the discharge in respect of these activities	ANTONIOZZI, Dario
PE1 AP RP/CONT.1979 A1-0105/82	Delays in the ECSC discharge procedure for the 1980 financial year	GABERT, Volkmar
PE1 AP RP/BUDG.1979 A1-0313/82	Contribution to the European Coal and Steel Community from the General Budget of the European Communities	NORD, Hans R.
PE1 AP RP/CONT.1979 A1-0834/82	Report of the Court of Auditors on the financial statements of the ECSC at 31 December 1980 and the discharge to be granted to the Commission of the European Communities in respect of the ECSC accounts for the financial year 1980	GABERT, Volkmar
PE1 AP RP/BUDG.1979 A1-0959/82	Fixing of the ECSC levies and the operational budget for 1983	SCHÖN, Konrad
PE1 AP RP/CONT.1979 A1-0097/83	Discharge to be granted to the Commission of the European Communities in respect of the financial statements of the ECSC for the 1981 financial year and the report of the Court of Auditors on the accounts of the European Coal and Steel Community as at 31 December 1981	GABERT, Volkmar

	and the report of the Court of Auditors on ECSC housing loans	
PE1 AP RP/CONT.1979 A1-0464/83	Financial activities of the ECSC	GABERT, Volkmar
PE1 AP RP/BUDG.1979 A1-0789/83	Contribution to the European Coal and Steel Community out of the General Budget of the European Communities	SCHÖN, Konrad
PE1 AP RP/BUDG.1979 A1-0948/83	Fixing of the ECSC levies and the operational budget for 1984	NEWTON DUNN, William Francis
PE1 AP RP/CONT.1979 A1-0039/84	Discharge to be granted to the commission of the European Communities in respect of the ECSC accounts for the financial year 1982	GABERT, Volkmar
PE2 AP RP/BUDG.1984 A2-1143/84	Fixing of the ECSC levy rate and on the drawing up of the ECSC operating budget for 1985	HOFF, Magdalene
PE2 AP RP/CONT.1984 A2-1802/84	Discharge to be granted to the Commission of the European Communities in respect of the ECSC accounts for the financial year 1983.	HÄRLIN, Benedikt
PE2 AP RP/JURI.1984 A2-0028/85	Establishment of preferential treatment for debts in respect of the levies referred to in Articles 49 and 50 of the ECSC Treaty	WIJSENBECK, Florus A.
PE2 AP RP/CONT.1984 A2-0155/85	Establishment, use and amount of the ECSC reserves	HÄRLIN, Benedikt
PE2 AP RP/BUDG.1984 A2-0177/85	Fixing of the ECSC levy rate and the drawing up of the ECSC operating budget for 1986	BARDONG, Otto
PE2 AP RP/CONT.1984 A2-0014/86	Deferral of the discharge to be granted to the Commission of the European Communities in respect of the ECSC accounts for the financial year 1984	HÄRLIN, Benedikt
PE2 AP RP/BUDG.1984 A2-0143/86	Fixing of the ECSC levy rate and the drawing up of the ECSC operating budget for 1987	BARDONG, Otto
PE2 AP RP/CONT.1984 A2-0161/86	Proposal for a decision on the discharge to be granted to the Commission of the European Communities in respect of the ECSC accounts for the financial year 1984	HÄRLIN, Benedikt
PE2 AP RP/CONT.1984 A2-0103/87	Decision concerning the discharge to be granted to the Commission of the European Communities in respect of the implementation of the ECSC operating budget for the financial year 1985	BARDONG, Otto
PE2 AP RP/BUDG.1984 A2-0116/87	Draft amending budget of the ECSC for 1987	BARDONG, Otto
PE2 AP RP/BUDG.1984 A2-0202/87	Fixing of the ECSC levy rate and the drawing up of the ECSC operating budget for 1988	BARDONG, Otto
PE2 AP RP/ECON.1984 A2-0227/87	I. Regulation instituting a Community programme to assist the conversion of steel areas (RESIDER programme); II. Decision concerning a contribution to the European Coal and Steel Community from the general budget of the European Communities to finance measures connected with the restructuring of the steel industry; III. Conditional introduction of a new, three-year quota system,	WAGNER, Manfred W.

	incorporating plant closure incentives, in respect of certain products	
PE2 AP RP/CONT.1984 A2-0008/88	Discharge to the Commission of the European Communities in respect of the ECSC accounts for the financial year 1986	BARDONG, Otto
PE2 AP RP/BUDG.1984 A2-0127/88	Aide-mémoire on the amendment of the 1988 ECSC operating budget	BARDONG, Otto
PE2 AP RP/BUDG.1984 A2-0309/88	Contribution from the general budget of the Communities to the ECSC to finance social measures connected with the restructuring of the steel industry	BARDONG, Otto
PE2 AP RP/BUDG.1984 A2-0311/88	Fixing of the ECSC levy rate and the drawing up of the ECSC operating budget for 1989	BARDONG, Otto
PE2 AP RP/CONT.1984 A2-0022/89	Proposal for a decision concerning the discharge to be granted to the Commission of the European Communities in respect of the ECSC accounts for the financial year 1987 (Annex of the Court of Auditors to the 1987 ECSC Annual Report)	BARDONG, Otto
PE3 AP RP/BUDG.1989 A3-0094/89	Fixing of the ECSC levy rate and the drawing up of the ECSC operating budget for 1990	SAMLAND, Detlev
PE2 AP RP/BUDG.1984 A2-0161/89	Draft ECSC supplementary and amending budget for 1989	BARDONG, Otto
PE3 AP RP/CONT.1989 A3-0071/90	Discharge to be granted to the Commission of the European Communities in respect of the ECSC accounts for the financial year 1988 (Annex of the Court of Auditors to the 1988 ECSC Annual Report)	HOFF, Magdalene
PE3 AP RP/BUDG.1989 A3-0348/90	Fixing of the ECSC levy rate and the drawing up of the ECSC operating budget for 1991	PASTY, Jean-Claude
PE3 AP RP/CONT.1989 A3-0002/91	Community policy concerning ECSC, Euratom and NCI loans and borrowings	SARIDAKIS, Georgios
PE3 AP RP/CONT.1989 A3-0052/91	Discharge to the Commission of the European Communities in respect of the ECSC accounts for the financial year 1989	HOFF, Magdalene
PE3 AP RP/BUDG.1989 A3-0268/91	Draft amending ECSC operating budget for 1991	PASTY, Jean-Claude
PE3 AP RP/BUDG.1989 A3-0361/91	Draft ECSC operating budget for 1992	PASTY, Jean-Claude
PE3 AP RP/CONT.1989 A3-0089/92	Discharge to the Commission of the European Communities in respect of the ECSC accounts for the financial year 1990	BLAK, Freddy
PE3 AP RP/BUDG.1989 A3-0274/93	Draft amending ECSC operating budget for 1993	PASTY, Jean-Claude
PE3 AP RP/BUDG.1989 A3-0320/92	Draft amending ECSC operating budget for 1992	PASTY, Jean-Claude
PE3 AP RP/BUDG.1989 A3-0415/92	Draft ECSC operating budget for 1993	PASTY, Jean-Claude
PE3 AP RP/CONT.1989 A3-0101/93	Postponement of the discharge to be given to the Commission in respect of the management of the ECSC for the 1991 financial year	BLAK, Freddy

PE3 AP RP/CONT.1989 A3-0258/93	Discharge to the Commission in respect of the management of the ECSC for the 1991 financial year	BLAK, Freddy
PE3 AP RP/ECON.1989 A3-0403/93	Towards greater competitiveness in the steel industry: the need for further restructuring	SPECIALE, Roberto
PE3 AP RP/BUDG.1989 A3-0420/93	Draft ECSC operating budget for 1994	PASTY, Jean-Claude
PE4 AP RP/BUDG.1994 A4-0029/94	Draft ECSC operating Budget for 1995	BARDONG, Otto
PE3 AP RP/CONT.1989 A3-0178/94	Discharge to the Commission in respect of the management of the ECSC for the 1992 financial year	BLAK, Freddy
PE4 AP RP/CONT.1994 A4-0057/95	Discharge to the Commission in respect of the management of the European Coal and Steel Community for the 1993 financial year	BLAK, Freddy
PE4 AP RP/BUDG.1994 A4-0205/95	Amending ECSC Operating Budget for 1995	BARDONG, Otto
PE4 AP RP/BUDG.1994 A4-0256/95	Draft ECSC Operating Budget for 1996	GIANSILY, Jean-Antoine
PE4 AP RP/CONT.1994 A4-0089/96	Discharge to the Commission in respect of the management of the European Coal and Steel Community for the 1994 Financial Year	BLAK, Freddy
PE4 AP RP/BUDG.1994 A4-0322/96	Draft ECSC Operating Budget for 1997	GIANSILY, Jean-Antoine
PE4 AP RP/CONT.1994 A4-0071/97	Discharge to the Commission in respect of the management of the European Coal and Steel Community for the 1995 financial year	BLAK, Freddy
PE4 AP RP/BUDG.1994 A4-0314/97	Draft amending ECSC operating budget for 1997	GIANSILY, Jean-Antoine
PE4 AP RP/BUDG.1994 A4-0409/97	Draft ECSC Operating Budget for 1998	GIANSILY, Jean-Antoine
PE4 AP RP/CONT.1994 A4-0093/98	Discharge to the Commission in respect of the Financial Management of the European Coal and Steel Community for the 1996 Financial Year	BLAK, Freddy
PE4 AP RP/BUDG.1994 A4-0330/98	Expiry of the ECSC Treaty - financial activities	GIANSILY, Jean-Antoine
PE4 AP RP/BUDG.1994 A4-0363/98	Draft ECSC Operating Budget for 1999	GIANSILY, Jean-Antoine
PE5 AP RP/BUDG.1999 A5-0032/1999	Draft ECSC operating budget for 2000	PITTELLA, Gianni
PE4 AP RP/CONT.1994 A4-0132/1999	Discharge to the Commission in respect of the management of the ECSC for the 1997 financial year	BLAK, Freddy
PE5 AP RP/CONT.1999 A5-0092/2000	Granting discharge to the Commission in respect of the implementation of the budget of the European Coal and Steel Community (ECSC) for the financial year 1998 - Committee on Budgetary Control	KHANBHAI, Bashir
PE5 AP RP/BUDG.1999 A5-0251/2000	Draft ECSC operating budget for 2001	RÜHLE, Heide

PE5 AP RP/CONT.1999 A5-0097/2001	Report concerning the discharge in respect of the implementation of the budget of the European Coal and Steel Community (ECSC) for the 1999 financial year - Committee on Budgetary Control	SEPPÄNEN, Esko
PE5 AP RP/BUDG.1999 A5-0342/2001	Draft ECSC operating budget for 2002	SEPPÄNEN, Esko
PE5 AP RP/CONT.1999 A5-0079/2002	Discharge in respect of the implementation of the budget of the European Coal and Steel Community (ECSC) for the 2000 financial year - Committee on Budgetary Control	SEPPÄNEN, Esko
PE5 AP RP/CONT.1999 A5-0068/2003	Giving discharge to the Commission in respect of the implementation of the budget of the European Coal and Steel Community (ECSC) for the 2001 financial year - Committee on Budgetary Control	LANGENHAGEN, Brigitte
PE5 AP RP/CONT.1999 A5-0201/2004	Discharge for the financial management of the European Coal and Steel Community (ECSC) for the financial year ended 23 July 2002 - Committee on Budgetary Control	RÜHLE, Heide

This study traces the very first phase of EU interinstitutional relations in the fields of budgetary powers and politics, analysing the European Coal and Steel Community (ECSC). It shows that political leadership is essential to implement a vision and be at the forefront of change. It also testifies to the vitality of the ECSC Common Assembly with regard to both problems and solutions, and shows how it increased its influence and secured wider respect. This approach proved fundamental in the moment of defining the tasks and competences of the European Parliamentary Assembly under the Treaty of Rome. The Parliament, even if in a legally weak situation, succeeded in reinforcing its role in the post-ECSC arrangements.

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